THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22983 OF 2005

Dt.27.10.2005

Between:

Smt.S.Anuradha w/o.S.Mallikarjun

… Petitioner

And

The Collector (C.S), Medak District,

Sangareddy and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner is the Fair Price Shop dealer of Shop No.3 of Patancheru Village and Mandal, Medak District, which was granted in the year 1997. Even since, she has been carrying on the business in accordance with the provisions of Control Order 2001. It is stated that basing on the complaint dated 13.8.2001 that the petitioner got married and her husband is residing at Ankenapally Village, Sadasivapet Mandal and she is residing at her in-laws' house at Sadasivpet Town, the authorization of the petitioner has been cancelled without issuing any notice and without any enquiry by order dated 4.6.2002 by the 2nd respondent. Questioning the same, the petitioner filed W.P.No.16261 of 2002 and this Court by order dated 2.8.2004 set aside the said order as the authorization of the petitioner has been cancelled without giving any notice and without giving any reasonable opportunity. However, it was kept open to issue fresh notice after affording reasonable opportunity to the petitioner and pass appropriate orders in accordance with law. Thereafter, the authorities instead of passing an order after giving reasonable opportunity, suspended the authorization of the petitioner by proceedings dated 5.10.2005 for the self-same reasons for certain irregularities.

It is the case of the petitioner that she is very well residing in Patancheru Village and Mandal alone and his brother being the closest relative is helping her and she is not residing in her in-laws' house and her name is registered in the voters list of Patancheru and therefore she is entitled to continue her dealership.

Having regard to the facts and circumstances of the case, I am of the opinion that whether the petitioner has left Patancheru entitling her discontinuance of Fair Price Shop dealership is a matter to be enquired into. But, I am of the opinion that suspension of her authorization pending enquiry is contrary to the earlier order of this Court in W.P.No.16261 of 2002 as this Court specifically directed the authorities to issue fresh notice after affording reasonable opportunity and pass appropriate orders in accordance with law. Hence, without issuing any notice to the petitioner before the impugned order cancelling her authorization is illegal and without justification whatsoever. Accordingly, the impugned order is set aside keeping it open for the authorities to issue fresh notice after affording reasonable opportunity to the petitioner and pass appropriate orders in accordance with law.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

27.10.2005

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